

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – January 11, 2005 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Angelo Calacino, Chair
Dama Barbour
Ted Jensen
Phil Hallstrom
Kristie Overson
Joan Rushton-Carlson
Blaine Smith

Excused: Aimee Newton

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Nick Norris, City Planner
Dan Udall, City Planner
Jean Gallegos, Secretary/Recorder
Amber Westenskow, Planning Intern

PUBLIC: Dean Ericson, Wade Graves, Virginia Traheta, Kevin Kelter, Richard Reddick, Janis Reddick, Chris King, Kelly Baker, Joshua Pettit, Rick Kitchens, Chris Malovich

WELCOME: **Commissioner Calacino** welcomed those present, explained the procedures to be followed this evening and opened the meeting at 7:00 p.m.

HOME OCCUPATION

1. 59H04 - Kelly Baker, 6579 S. 3380 W. – Massage Therapy. (Nick Norris/City Planner)

[19:03:58](#)

1.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is requesting to operate a massage therapy office in the home. The hours of operation would be weekday evenings from 6:00 p.m. to 9:30 p.m. and on Saturdays between 8:00 a.m. and 1:00 p.m. Up to four customers per day would patronize the home based business. All customer visits would be by appointment only. The business would be operated from a spare bedroom. A massage table and a massage chair would be the only equipment used.

Staff recommends approval subject to the following conditions:

1.1.1 That the applicant receives approval and remains compliant with all applicable reviewing agencies.

1.1.2 That the applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.056 Specific Operational Requirements – Home Occupation Class C.

1.1.3 That the street is not used for customer parking.

1.1.4 The home occupation is reviewable upon complaint.

1.2 **Applicant Address: Kelly Baker. Ms. Baker** advised that the hours of operation [19:05:51](#) are due to the fact that she works full time during the day and this would only be a part time profession. **Commissioner Hallstrom's** comment was that there is a policy in place limiting the hours to end at 8:00 in the evening to resolve nuisance issues. [19:06:44](#) **Ms. Baker** asked for a waiver of that requirement to allow the closing time of 9:30 p.m.

1.3 **Public Comment.** None.

1.4 There being no further comments, the public hearing portion was closed and opened to the Commission for discussion or a motion.

1.5 **MOTION: 19:07:47 Commissioner Barbour - I move that 59H04 be approved by this body with staff recommendations.**

SECOND: Commissioner Hallstrom. Commissioner Overson - Do we need to modify the hours? Commissioner Barbour - Leave the 9:30 closing time in.

VOTE:

<u>Commissioner Overson</u>	<u>AYE</u>	<u>Commissioner Barbour</u>	<u>AYE</u>
<u>Commissioner Hallstrom</u>	<u>AYE</u>	<u>Commissioner Smith</u>	<u>AYE</u>
<u>Commissioner Jensen</u>	<u>AYE</u>	<u>Commissioner Rushton-Carlson</u>	<u>AYE</u>

Motion passes unanimously.

2. 60H04 - **Virginia Traheta, 2183 West Hammond Drive (5450 South)** – Family Day Care.
(Michael Maloy/City Planner)

19:09:03

2.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant is requesting to operate a Class D3 day care service for up to 12 children with the assistance of her daughter. The applicant has an 18 month old child who will be one of the 12 children attending the day care. The residence is on a corner lot in an R-1-8 single-family residential zone. The tan colored, split entry home has a two-car garage with a triple driveway. The driveway is approximately 40' wide and 10' deep. The rear yard is enclosed by a six foot cedar fence, which appears to be in good repair. **Staff recommends approval with the following conditions:**

2.1.1 No more than 12 children may be cared for at the home, which includes the caregiver's own children under the age of six years and not in school full time.

2.1.2 Applicant must maintain compliance with operational requirements for a Class D3 Home Occupation as per City code 13.57.050 and 13.57.057.

2.1.3 Applicant will schedule "drop-off" and "pick-up" of children to ensure adequate availability of driveway space for patrons of the day care business.

2.2 **Applicant Address: Virginia Traheta** was present and her daughter Allie represented her. **Commissioner Hallstrom** asked how the children would get into the house and was informed there was a back entrance, with a paved access thereto. **19:12:50**

2.3 **Public Comment.** None.

2.4 There being no further comments, the public hearing portion was closed and opened to the Commission for discussion or a motion. **Commissioner Jensen** asked if there was sufficient parking available for customers and the owners. **19:11:14 Mr. Maloy** advised that the amount of available parking met the requirements of the ordinance. Also that the children would be dropped off and picked up from the driveway on site. **19:12:05**

2.5 **MOTION: 19:13:56 Commissioner Hallstrom - I move for approval in accordance with staff recommendations. A positive factor is that there were no negative responses from neighbors with concerns about this use.**

SECOND: Commissioner Rushton-Carlson

VOTE:

<u>Commissioner Overson</u>	<u>AYE</u>	<u>Commissioner Barbour</u>	<u>AYE</u>
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[Commissioner Hallstrom](#) AYE
[Commissioner Jensen](#) AYE

[Commissioner Smith](#) AYE
[Commissioner Rushton-Carlson](#) AYE

Motion passes unanimously.

CONDITIONAL USES

3. 45C04 - Joshua **Pettit, 6210 S. 3200 W.** - Car Wash (Nick Norris/City Planner)

[19:14:44](#)

3.1 **Mr. Norris** oriented on the site plan, aerial map and images. This item was continued from the December 14 meeting with concerns. **Staff recommends approval with the following conditions:**

3.1.1 That the applicant receives approval from all applicable agencies, including the Salt Lake Valley Health Department.

3.1.2 That the retaining wall located along the southwest property line be heavily landscaped with 2 ½ inch caliper trees and mature shrubs.

3.1.3 That the “Winter Aborvitae” planned to be planted in the tiered area be replaced with a tree that is easier to maintain and is less susceptible to heavy snow damage.

3.1.4 That an automatic sprinkler system be installed to irrigate all of the landscaped areas, including the tiered retaining wall.

3.1.5 That a 6 foot solid barrier fence be placed on the south and west sides of the drive aisle.

3.1.6 That the fence that is placed on the retaining wall be constructed in such a manner as to not block the clear view at the drive aisle on 3200 West.

3.1.7 That a gate be installed where the retaining wall meets 3200 West. The gate should be decorative and contain a lock to prevent unauthorized individuals from accessing the retaining wall.

3.1.8 A detailed grading plan be submitted that includes the slope of the sidewalk on 3200 West, the drive approach and how the site will slope after all of the improvements are made to the site.

3.1.9 That decorative lighting fixtures be used and that all lighting is directed away from the residential neighborhood.

3.1.10 The bollard that is placed within the drive aisle on the west of the car wash be removed from the drive aisle.

3.1.11 All sidewalks, roadways and parking areas be constructed to Taylorsville City standards.

3.1.12 All storm drainage plans be approved by the Taylorsville City Engineer.

3.1.13 All work that is done in the public right-of-way be bonded for and approved by Taylorsville City.

3.1.14 The decibel levels of the proposed equipment be submitted to the City.

3.1.15 The park strip along 3200 West be landscaped in a manner that is consistent with the landscaping on 6200 South, including the same species of tree with a caliper of 2 ½ inches.

3.1.16 The bermed areas in the landscaping setback be planted in such a way as to cover at least 50% of the area with trees, shrubs or flowers.

3.1.17 No mechanical equipment be placed on the roof of the structure.

3.1.18 The dumpster enclosure is constructed of similar materials as the main building and the gate to the dumpster enclosure creates a visual barrier. Chain link with slats is not permitted.

3.1.19 A proposed sign package be submitted to the City prior to final approval.

3.1.20 A guard rail be installed along the top of the retaining wall located on the northeast corner of the property.

3.1.21 Final approval is granted by the Planning Commission.

3.2 **Mr. Norris** advised that the Planning Commission had requested the following additional items be submitted by the applicant, which was accomplished:

- A geotechnical report that identified the types of soils and difficulties with excavating those soils where needed. **NOTE:** The geotechnical study is presently being reviewed by the Building Official. [19:17:26](#)
- A traffic impact study that includes information on the amount of traffic that would be generated by the car wash and the site lines to the intersection at 3200 West and 6200 South. **NOTE:** The traffic study concluded that both that access and the intersection will continue to operate at acceptable levels of service after the site is constructed. The study found that the car wash is a minor traffic generator. [19:18:16](#)
- An updated landscaping plan that included plant species and size of species at maturity. **NOTE:** Staff has reviewed the updated landscaping plan and found it to be consistent with applicable City ordinances. [19:20:57](#)
- Updated building elevations that added some architectural detail to the east elevation. **NOTE:** The applicant updated the building elevations and added more detail to the east elevation as requested. They have also added signage to the dormers.
- Cross sections of the site. **NOTE:** The applicant did submit a cross section of the site near the northeast corner. The grade drops nine feet from the sidewalk to the asphalt surface of the site. The cross section shows a retaining wall of approximately eight feet in height. There is no indication of a guard rail placed on top of the retaining wall. The drop in elevation presents a safety issue for pedestrians, motorists and those that may utilize the car wash. Adding a guard rail would alleviate some of the problems but would further block the visibility of the building and possibly the clear view at the corner. [19:19:33](#)
- **DISCUSSION:** [19:21:48](#) **Commissioner Hallstrom** asked about sub-surface water conditions. **Mr. Norris** explained those conditions exist about five feet below grade and the building official has questioned the placement of the test bores, so that will need to be clarified. [19:22:26](#) He went on to explain that a lot of this information is very new and the review of it only cursory because he only received copies of the requested information just prior to the start of the meeting this evening.

3.3 **Applicant Address:** **Dean Ericson (Representing the applicant).** [19:23:28](#) **Mr. Ericson** said he was happy with the study results and would answer any questions.

- [19:24:12](#) **Commissioner Barbour** said she was still struggling with the water table issue and asked if that test were done correctly and on the right property. [19:24:21](#) **Mr. Ericson** replied that the soils and structural engineers who did the test, did not feel there was a problem on this site [19:25:06](#) He advised that they drilled two 35' deep holes for the test. **Commissioner Barbour** asked if the applicant's engineer for this project had analyzed the report, to which **Mr. Ericson** replied they had.
- [19:26:14](#) **Commissioner Rushton-Carlson** asked if the applicant was in agreement with getting a sound level report and he advised he had spoken with the Health Department on that issue this day. **Commissioner Overson** also expressed concern over the content of the Health Department report. [19:28:17](#) **Mr. Ericson** replied that the inspector who wrote the report for the Health Department was talking in general terms, expecting the applicant to make the recommendations. **Mr. Ericson** felt there should have been direct contact, so that interactive discussion could have taken place.
- [19:26:26](#) **Commissioner Overson** had a couple of concerns, i.e., the cross pictures show a nine foot drop apparently from the street. **Mr. Ericson** said that was true in the right corner, some of which will be picked up in the landscaping. **Commissioner Overson** said that was still a big drop which constitutes a safety concern and asked what would be installed as a safety barrier? [19:27:17](#) **Mr. Ericson** replied there would be a 40" safety barrier on top of the wall. [19:29:24](#) **Commissioner Barbour** also expressed concern about the safety issues with the adequacy of the guard rail. **Mr. Ericson** showed on the grade map where the drop would be located and said that it would only be three to four feet off the ground because of the amount of landscaping to be installed. The grade flattens out as it extends further in both directions and the berming will conceal it from the road. **Commissioner Barbour** advised that the visual was not near as important to her as the health and safety issues.
- [19:32:36](#) **Commissioner Jensen** asked what the hours of operation would be and was informed by **Mr. Ericson** that it would be 24 hours a day, however, that the vacuums could be shut down during night time hours and they were willing to accommodate that. [19:33:54](#)
- **Commissioner Smith** was concerned about the size of the underground tanks and was informed by [19:34:37](#) **Mr. Ericson** that they were 5' wide x 3' deep.
- [19:34:58](#) **Commissioner Barbour** asked if the equipment included dryers. [19:35:13](#) **Mr. Ericson** advised the dryers were the types that move along the side of the car and not the end type ones.
- [19:35:56](#) **Commissioner Overson** asked where the bottom terrace of the retaining wall started and **Mr. Ericson** advised that it was at the property line.
- [19:36:36](#) **Commissioner Hallstrom** asked if any "Caliche" or other hard surface had been observed and **Mr. Ericson** said that was part of what the structural engineer was looking for on this site and none was found. [19:39:01](#)

3.3 **Public Comment.**

3.3.1 **Wade Graves, 6747 S. Stokewater Drive.** [19:39:57](#) **Mr. Graves** expressed safety concerns for the homes directly impacted by this construction, advising that they were on wooden foundations, built in the 1980's, and any vibration would easily bring down the structures. Also that this will increase traffic significantly and cars coming up 3200 West going north cannot make the hill and those coming down the hill cannot stop when conditions are bad. He said there are two other car wash convenience stores in the immediate area and did not feel another car wash was needed.

3.3.2 **Rick Kitchens**. [19:42:47](#). **Mr. Kitchens** said he was in agreement with the concerns Mr. Graves expressed and felt that from every angle this corner seems highly inappropriate for a car wash. He said it was nothing to do with the quality of the developer because he has seen other car washes he has built and while they are nicely done, he did not want one of them in his back yard. While he understands the City wants to generate revenue, a green space similar to the one West Jordan Water is putting in nearby would do nicely on this location. He felt there will come a time when 3200 West will need to be widened and building this car wash here would not accommodate that widening factor. Pictures are not angled to show how this impacts the neighborhoods.

3.3.3 **Chris King** [19:46:18](#). **Mr. King** brought in a piece of "Caliche" from the property east of this site, so the Commissioners could see first hand what it looks and feels like. The soil on the site was imported in as top fill at the same time they covered the UDOT property. **Mr. King** was concerned this structure would obstruct his view and reduce the security in his back yard. There is bound to be increased noise from cars, their stereos at full volume and increased traffic. He wanted to be sure the City was aware of their implied liability if this is approved

3.4 There being no further comments, the public hearing portion was closed and opened to the Commission for discussion or a motion. **Discussion:**

- [19:55:12](#) **Commissioner Overson** expressed her continued concern for the safety aspects of this. The retaining wall is still a hazard for pedestrians, particularly teenagers. She still has concerns about the geotechnical study and the noise level problems addressed by the Health Department. Her personal opinion was that just because there is a vacant piece of land, it didn't mean there must be something put on it. She did not feel a car wash was a good fit for this corner.
- [19:56:54](#) **Commissioner Hallstrom** said he was troubled with this use but the car wash is not the issue. The comments from the public are all inconsistent with what is being proposed. The citizens are obviously concerned, with apparent reason, and fear for their well being and safety. He did not feel the soils report was adequate with only two borings being made and would have felt better with a site specific analysis. He said that a 6' water table seems to be totally irrational being at the top of the hill. He felt there were still too many problems being addressed and unresolved health/safety issues to move ahead with this.
- [19:59:16](#) **Commissioner Jensen** said that he recognizes individual's rights to develop a property and was personally satisfied with the traffic study. He felt there were more things they could do to make the railing a deterrent rather than an attraction and he would like to see another soil's analysis completed. However, he felt the project should be allowed to proceed.
- [20:00:33](#) **Commissioner Rushton-Carlson** wondered if that inasmuch as this is City-owned property, if the individual rights issue is not applicable.
- [20:00:46](#) **Commissioner Smith's** concern was the issue of the safety hazard with slick roads and increased traffic.
- [20:01:10](#) **Commissioner Calacino** complimented the applicant's on their efforts in trying to address the Commissioner's concerns but felt it raised more concerns than solved problems. He did not feel satisfied that this property can be developed as proposed without adversely impacting the surrounding area and neighborhood. He asked for a motion at this point.

3.5 **MOTION: [20:02:32](#) Commissioner Barbour - I would like to make a motion and then thoroughly explain it for the record and the applicant. I do move that File 45C04 be denied for the following reasons: I don't know what can be put on the property. I have**

taken two trips up there, gotten out of my vehicle and walked around. I don't know what would fit on there the way it sits. In my heart I have some real concerns about this, for the neighborhood and for the public in general who use the road, both in automobiles and walking. I believe in economic development and I think the applicant's car wash looks great and I would be a frequent user of a car wash like that. Like I said earlier, I also believe in property rights but having said that, as a tax payer and a resident of the City, I am kind of one of those owners of this piece of property so it makes it a little easier for me to say I don't believe this is a fit. I'll stand with my motion.

SECOND: Commissioner Overson

VOTE:

<u>Commissioner Overson</u>	AYE	<u>Commissioner Barbour</u>	AYE
<u>Commissioner Hallstrom</u>	AYE	<u>Commissioner Smith</u>	AYE
<u>Commissioner Jensen</u>	NAY	<u>Commissioner Rushton-Carlson</u>	AYE

Motion passes 5 to 1.

Commissioner Jensen – I would like to clarify my opinion by saying that by doing so I am recognizing all the positive efforts the developer has put forward. He is really trying to satisfy the Commission and I am recognizing that.

4. 46C04 **Richard Reddick, 5963 S. Jordan Canal Road** – Oversize Garage. (Michael Maloy/City Planner)

20:05:37

4.1 **Mr. Maloy** oriented on the site plan, aerial map and images. Applicant wishes to construct a 1,674 square foot detached accessory structure on .89 acre parcel of land. In the future, a single-family residence will also be constructed on this site. The accessory building is to be used for storage of a large motor home, a boat and lawn equipment. The main structure must at least be under construction when the garage is erected. This may be a significant impact on the neighborhood. Applicant submitted a proposed rendering of the home elevations to staff. 20:09:43 These elevations show the same fascia materials for both buildings. Staff discussed some options for different types of garage doors with the applicant. The new ordinance allows 19' high doors and these will only be 16'. **Staff recommends approval with the following conditions:**

4.1.1 Receive approval from all applicable agencies of the City such as the Unified Fire Authority, Building Division, etc.

4.1.2 Accessory structure shall not be used for commercial purposes.

4.1.3 Accessory structure shall not be used for residential occupancy.

4.1.4 Accessory structure shall not exceed 16 feet in height when measured from the lowest point of grade to the mid-point of roof.

4.1.5 Accessory structure(s) shall not exceed 25% coverage of rear yard. (Coverage is determined by using the sum area of all accessory structures).

4.1.6 Under the direction of the Planning Commission, staff shall administrate final review.

4.1.7 Oversized garage doors require architectural enhancement (i.e., windows, trim, etc.) to reduce visual impact on the residential neighborhood and streetscape.

4.1.8 Accessory structure design shall incorporate an architectural design compatible with the main structure including roof patterns, soffit construction, cornice detail, windows, light fixtures, fascia materials and colors.

4.1.9 Utilities shall be properly buried below grade and located within prescribed utility easements.

4.1.10 Accessory structure must be constructed as approved by the City. Any variation from the approved plans may result in permit revocation if not resolved to the satisfaction of the City.

4.2 **Applicant Address:** **Richard and Janis Reddick** were present. [20:12:47](#) **Commissioner Hallstrom** wanted to make sure **Mr. Reddick** understood that this structure can only be approved along with the house and cannot be the only structure on a parcel of land. **Mr. Reddick** was aware of that and indicated he planned to turn in the plans for both the home and garage permits at the same time. [20:13:44](#)

4.3 **Public Comment.** None.

4.4 There being no further comments, the public hearing portion was closed and opened to the Commission for discussion or a motion.

4.5 **MOTION:** [20:14:14](#) **Commissioner Hallstrom** - I move for approval based on staff recommendations.

SECOND - **Commissioner Smith.**

DISCUSSION: **Commissioner Rushton-Carlson** - Is it necessary to make the approval contingent for both buildings? **Mr. Maloy** - It would be very appropriate to add that the primary structure be included. **Commissioner Jensen** - I would like to make that amendment. **Commissioner Hallstrom** - I am agreeable to that amendment. [20:15:15](#)

VOTE:

Commissioner Overson	AYE	Commissioner Barbour	AYE
Commissioner Hallstrom	AYE	Commissioner Smith	AYE
Commissioner Jensen	AYE	Commissioner Rushton-Carlson	AYE

Motion passes unanimously.

SUBDIVISION

5. 11S04 **Ken Kelter, 3200 W. 5400 S.** - 2-Lot Commercial Subdivision. (Nick Norris/City Planner)

[20:15:48](#)

5.1 **Mr. Norris** oriented on the site plan, aerial map and images. Applicant is requesting to subdivide one lot into two. The parcel is 5.26 acres in size (One piece that is 0.999 acres and one that is 4.27 acres). The applicant intends to build a single story office building on the lot that would be 0.999 acres in size. Mr. Kelter has indicated to staff that the building will be built for the State of Utah as a lease unit. [20:19:04](#) Staff has a couple of issues, one of which is that the drive aisle shows a 12' width and City standard is 24'. **Staff recommends this item be continued to resolve this and other issues. If the Commission chooses not to continue this application, then Staff recommends approval with the following conditions:**

5.1.1 The applicant receives approval from all applicable agencies.

5.1.2 The subdivision receives final plat approval from City Staff.

5.1.3 The subdivision is recorded by a means that is consistent with City requirements, including any notes that are required by the Planning Commission, with the Salt Lake County Recorder's Office.

- 5.1.4 The main access road is aligned with Danube Drive.
- 5.1.5 The project receives storm drain approval from the City Engineer.
- 5.1.6 The developer bonds for street improvements and pays storm drain fees before recording the plat.
- 5.1.7 That all street improvements required by City Ordinance will also be installed to City standards. This includes all sidewalk, park strip, curb, gutter, street surface, curb ramps, and tie-ins to existing improvements.
- 5.1.8 The applicant plants trees in the park strip at a distance of 35 feet on enter.
- 5.1.9 The proposed subdivision obtains approval from the building department on grading requirements.
- 5.1.10 Any subdivision amendments proposed after the initial recordation is reviewed and approved by the Planning Commission. The amendment must then be recorded with the Salt Lake County Recorder's Office.

5.2 **Applicant Address:** **Kevin Kelter**. [20:20:59](#). **Mr. Kelter** advised they are buying one parcel on this site and have an agreement with the property owners for the ingress and egress. **Mr. Kelter** said that according to their figures, they are over-parked on the site and will provide a hard surface beyond their parcel for the convenience of future sites. [20:25:43](#).

- **Commissioner Hallstrom** asked why they didn't just do it in accordance with ordinance requirements and make the lot big enough to be able to include the 24' wide road. [20:26:05](#). **Mr. Kelter** said that was part of their agreement with Boyer Company, who wants this parcel to be approximately one acre in size and that is what has driven the design of the site. If Boyer Company developed their other sites ahead of this one, the problem would be solved, however, that is not what is going to happen. Since there are no future tenants projected after this site is developed and to be able to have parking in front of our building, Mr. Kelter has agreed to the proposed ingress and egress for his portion of the site. [20:26:24](#) What that does is when Boyer builds out the remainder of the site, then they will pave up to meet this parcel. **Commissioner Hallstrom** felt Taylorsville City would have a problem with that solution as being in violation of City ordinances. [20:27:46](#) He added that there must be a 24' wide street back there. **Mr. Kelter** added that it is in fact 24' wide. **Commissioner Barbour** added that it would not be 24' of his property and asked why they just didn't buy enough extra property to be in compliance with the ordinance, to which [20:28:29](#) **Mr. Kelter** agreed that was a possibility. **Commissioner Hallstrom** informed the applicant that his lot was not the problem; it was the larger one to the north which may interfere with the access.
- **Commissioner Calacino** suggested that the applicant create a more desirable shaped lot with easements. The proposal tonight is creating an irregular shaped lot and then trying to fix a potential problem created by that lot shape and how the building is to be positioned. Instead of creating a decent shaped lot that can accommodate several aspects of the development of the site. One is cross access between the balance lot with easements like on the other portions of the lot. Layout the entire development, with an understanding of where access is going to be to this property as well as the neighboring property. You are designing after the fact instead of looking at it from the beginning. Let's just come up with a nice shaped lot, draw a line and fit something into that property and then after the fact, if you have to make some modifications, then do it. This lot is being created based on one small plan and not taking into consideration the bigger picture. [20:33:10](#).

- **Mr. Kelter** said this piece of property is not meant to be an irregular shaped lot. How this happened is that it was engineered with the building because the building has to sit this way. The original plan was square. **Commissioner Calacino** interjected that there is no reason the building has to sit that way because there are five plus acres and it could be placed any number of ways thereon. He added that at this point, the only discussion involves the subdivision process. [20:34:17](#) It is irregular in shape which creates problems and may be noncompliant with the ordinance. Mr. Kelter advised that they have done this type of site plan before where the building is lined up at an angle. [20:35:03](#) Mr. Norris added that this structure was originally oriented towards 3200 West, making it impossible to align with Danube Drive. [20:36:05](#) Mr. Kelter said that is why the building was moved to an angle, so that all three buildings would line up.
- **Commissioner Hallstrom** [20:36:46](#) asked the applicant if they would prefer this item be tabled or denied this evening and **Mr. Kelter** [20:37:27](#) chose having the item tabled in order to work out the problem areas and he asked to be supplied with a detailed list of Commissioner's concerns. [20:38:17](#) (Staff will supply this list to the applicant, which includes upsizing the property to allow a better configuration of the site and showing cross easements between the lots).

5.3 **Public Comment. Chris Malavich.** **Mr. Malavich** [20:43:36](#) advised that he had been working with the Kelters for the past five years and nine of the projects involved the State of Utah. He had questions about the issue of getting permission for the 12' easement for the parking and the concern for the curvature of the exit drive onto 3200 West. **Commissioner Calacino** advised Mr. Malavich that those two issues involve site plan elements. What has happened is that the conceptual site plan has raised the issue of whether this property can actually accommodate a development. As proposed, it is not in compliance with City ordinances.

5.4 There being no further comments, the public hearing portion was closed and opened to the Commission for discussion or a motion.

5.5 **MOTION: Commissioner Hallstrom - I move to table Application #11S04 to give the applicant the opportunity to amend his application in a more agreeable form.**

SECOND: Commissioner Rushton-Carlson

VOTE:

Commissioner Overson	AYE	Commissioner Barbour	AYE
Commissioner Hallstrom	AYE	Commissioner Smith	AYE
Commissioner Jensen	AYE	Commissioner Rushton-Carlson	AYE

Motion passes unanimously.

MINUTES: Approval/Review of Minutes for November 23, 2004.

MOTION: Commissioner Overson - In view of the fact that we have an audio recording for this meeting, I move for approval of the minutes as presented. [20:45:49](#)

SECOND: Commissioner Barbour.

VOTE:

Commissioner Overson	AYE	Commissioner Barbour	AYE
Commissioner Hallstrom	AYE	Commissioner Smith	AYE
Commissioner Jensen	AYE	Commissioner Rushton-Carlson	AYE

Motion passes unanimously.

REPORT ON CITY COUNCIL MEETING – Commissioner Smith gave his report on what transpired in the City Council Meeting during the Planning Commission work session.

ADJOURNMENT: **Commissioner Overson** moved for adjournment at [20:48:30](#)

Respectfully submitted by:

Jean Gallegos, Secretary/Recorder
Planning Commission

Approved in meeting held February 8, 2005.